



Todd R. G. Hill
119 Vine Street
Belton, TX 76513
+1 [661] 899-8899
toddryangregoryhill@gmail.com
In Propria Persona

UNITED STATES DISTRICT COURT FOR
THE CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

TODD R. G. HILL, et al,

Plaintiffs

vs.

**THE BOARD OF DIRECTORS,
OFFICERS AND AGENTS AND
INDIVIDUALS OF THE PEOPLES
COLLEGE OF LAW, et al.,**

Defendants.

CIVIL ACTION NO. 2:23-cv-01298-JLS-BFM

The Hon. Josephine L. Staton
Courtroom 8A, 8th Floor

Magistrate Judge Brianna Fuller Mircheff
Courtroom 780, 7th Floor

**PLAINTIFF'S CONSOLIDATED MOTION
FOR (1) CERTIFICATION OF
INTERLOCUTORY APPEAL UNDER 28
U.S.C. § 1292(b) AND (2) ENTRY OF
PARTIAL FINAL JUDGMENT UNDER
RULE 54(b)**

NO ORAL ARGUMENT REQUESTED

**PLAINTIFF'S CONSOLIDATED MOTION FOR (1) CERTIFICATION OF INTERLOCUTORY APPEAL
UNDER 28 U.S.C. § 1292(b) AND (2) ENTRY OF PARTIAL FINAL JUDGMENT UNDER RULE 54(b)**

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FINAL JUDGMENT UNDER RULE 54(b)**

TO THE HONORABLE COURT AND ALL PARTIES OF RECORD:

Plaintiff TODD R.G. HILL respectfully submits this consolidated motion seeking either:

- (1) certification for interlocutory appeal under 28 U.S.C. § 1292(b), or in the alternative,
- (2) entry of partial final judgment under Rule 54(b), as to the Court’s May 27, 2025 order (Dkt. 312) denying Plaintiff’s Rule 59(e) motion related to the dismissal of the State Bar Defendants and those causes of action dismissed with prejudice.

The order denied Plaintiff’s Motion to Alter or Amend Judgment under Rule 59(e) and/or for Relief from Judgment under Rule 60(b), which sought reconsideration of prior rulings, preservation of rights, and relief from procedural irregularities and omissions. This request is timely under Federal Rule of Appellate Procedure 4(a)(1)(A), as it is filed within 30 days of entry of the order.

If the Court declines both certification and Rule 54(b) judgment, Plaintiff’s right to meaningful appellate review may be prejudiced. Given that Dockets 197, 199, and 241 appear not to have been timely considered or ruled upon prior to the dismissal of Plaintiff’s claims with prejudice, the current posture risks compounding error across future stages of litigation and undermining the finality that Rule 54(b) is designed to safeguard.

A copy of the docketed order is attached hereto as Exhibit A for the Court’s reference.

I. INTRODUCTION

The Court’s order at Docket 312 denied Plaintiff’s motion to alter or amend judgment (Dkt. 263) as to the dismissal of the State Bar Defendants. That order resolves, with finality, all claims against a distinct set of parties (the State Bar and its agents), certain claims (e.g., Equal Protection)

1 against all Defendants, while leaving claims against unrelated co-defendants (PCL, Spiro, and
2 Haight-represented Defendants) pending.
3

4 In light of the procedural and substantive significance of Docket 312, Plaintiff now seeks
5 certification under 28 U.S.C. § 1292(b), or alternatively, entry of a partial final judgment under Rule
6 54(b) to preserve appellate rights and avoid duplication of proceedings.
7

8 **II. CERTIFICATION UNDER 28 U.S.C. § 1292(B) IS APPROPRIATE**

9 Under 28 U.S.C. § 1292(b), a district court may certify an interlocutory order for appeal if:

- 10 1. The order involves a controlling question of law;
- 11 2. There is substantial ground for difference of opinion; and
- 12 3. An immediate appeal may materially advance the ultimate termination of the
13 litigation.
14

15 Each element is satisfied here:

16 **A. Controlling Question of Law**

17 Whether the dismissal of the State Bar Defendants was proper, despite Plaintiff's extensive
18 allegations, judicially-noticed admissions, and procedural irregularities, is a controlling legal issue
19 affecting the entire litigation framework. The denial of reconsideration (Dkt. 312) locked in a
20 dispositive ruling based on legal sufficiency.
21

22 **B. Substantial Grounds for Difference of Opinion**

23 This case involves novel questions of immunity, procedural due process under CPRA and
24 internal grievance rights, and statutory duties of state licensing authorities, especially in light of post-
25 dismissal factual developments that were not available at the time of the original dismissal.
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27
28

Moreover, significant material submitted in Dockets 197, 199, and 241, including the State Bar's own admissions, was not considered in the original or reconsideration rulings.

C. Material Advancement of Litigation

Immediate appellate review will clarify the legal boundaries of Plaintiff's claims against regulatory defendants, eliminate piecemeal appeals, and prevent inconsistent rulings or duplicative discovery.

III. ALTERNATIVELY, RULE 54(B) FINAL JUDGMENT IS WARRANTED

If the Court declines to certify interlocutory appeal under § 1292(b), Plaintiff requests the entry of partial final judgment under Rule 54(b) as to the State Bar Defendants and the relevant dismissal of claims with prejudice.

Rule 54(b) permits final judgment where:

1. The court has resolved all claims against a particular party; and
2. There is no just reason for delay.

Both conditions are satisfied:

1. All claims against the State Bar Defendants were dismissed, and that dismissal was reaffirmed in Dkt. 312.
2. No just reason for delay exists. The State Bar Defendants are factually and legally distinct from the remaining parties. Delaying final judgment would prejudice Plaintiff's right to appeal and hinder efficient resolution of the matter.

IV. CONCLUSION

Plaintiff respectfully requests that the Court:

PLAINTIFF'S CONSOLIDATED MOTION FOR (1) CERTIFICATION OF INTERLOCUTORY APPEAL UNDER 28 U.S.C. § 1292(b) AND (2) ENTRY OF PARTIAL FINAL JUDGMENT UNDER RULE 54(b)

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1. Certify the May 27, 2025 Order (Dkt. 312) for interlocutory appeal under 28 U.S.C. § 1292(b), and transmit it to the Ninth Circuit, or
2. In the alternative, enter partial final judgment as to the State Bar Defendants under Rule 54(b).

Certification or final judgment is particularly warranted where, as here, the record reflects ongoing confusion over procedural posture and the accumulation of judicially cognizable material post-dismissal.

Respectfully submitted,

Dated: June 18, 2025



Todd R. G. Hill
Plaintiff, In Propria Persona

STATEMENT OF COMPLIANCE WITH LOCAL RULE 11-6.1

The undersigned party certifies that this brief contains 771 words, which complies with the 7,000-word limit of L.R. 11-6.1.

Respectfully submitted,



PLAINTIFF'S CONSOLIDATED MOTION FOR (1) CERTIFICATION OF INTERLOCUTORY APPEAL UNDER 28 U.S.C. § 1292(b) AND (2) ENTRY OF PARTIAL FINAL JUDGMENT UNDER RULE 54(b)

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1 June 18, 2025
2 Todd R.G. Hill
3 Plaintiff, in Propria Persona
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6 **Plaintiff's Proof of Service**

7 This section confirms that all necessary documents will be properly served pursuant to L.R. 5-
8 3.2.1 Service. This document will be/has been electronically filed. The electronic filing of a
9 document causes a "Notice of Electronic Filing" ("NEF") to be automatically generated by the
10 CM/ECF System and sent by e-mail to: (1) all attorneys who have appeared in the case in this Court
11 and (2) all pro se parties who have been granted leave to file documents electronically in the case
12 pursuant to L.R. 5-4.1.1 or who have appeared in the case and are registered to receive service
13 through the CM/ECF System pursuant to L.R. 5-3.2.2. Unless service is governed by Fed. R. Civ. P.
14 4 or L.R. 79-5.3, service with this electronic NEF will constitute service pursuant to the Federal
15 Rules of Civil Procedure, and the NEF itself will constitute proof of service for individuals so served.
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18 Respectfully submitted,
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23 June 18, 2025
24 Todd R.G. Hill
25 Plaintiff, in Propria Persona
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EXHIBIT A

**PLAINTIFF’S CONSOLIDATED MOTION FOR (1) CERTIFICATION OF INTERLOCUTORY APPEAL
UNDER 28 U.S.C. § 1292(b) AND (2) ENTRY OF PARTIAL FINAL JUDGMENT UNDER RULE 54(b)**

CASE 2:23-CV-01298-JLS-BFM

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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
10 WESTERN DIVISION
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12 TODD R.G. HILL,

13 Plaintiff,

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15 THE BOARD AND DIRECTORS,
16 OFFICERS, AND AGENTS AND
INDIVIDUALS OF PEOPLES
COLLEGE OF LAW, et al.,

17 Defendants.
18

No. 2:23-cv-01298-JLS-BFM

**ORDER DENYING
RECONSIDERATION**

19 **INTRODUCTION**

20 Before the Court is Plaintiff Todd R.G. Hill's Motion for reconsideration
21 of the Court's Order accepting the Magistrate Judge's Interim Report and
22 Recommendation. (ECF 253.) That Order dismissed many of the claims in
23 Plaintiff's Third Amended Complaint without leave to amend and dismissed
24 Defendants associated with the State Bar of California with prejudice. (See ECF
25 248.)

26 For the reasons stated below, the Court **DENIES** the Motion for
27 reconsideration.
28

BACKGROUND

On February 12, 2025, the Magistrate Judge issued an Interim Report and Recommendation, recommending dismissal of Plaintiff's Third Amended Complaint. (See ECF 213.) The Report recommended dismissal of all of Plaintiff's federal claims without leave to amend, with the narrow exception of his civil RICO claim. (ECF 213 at 29-30.) It also recommended dismissing all Defendants associated with the State Bar of California with prejudice. (ECF 213 at 32.)

Plaintiff filed Objections to the Interim Report and Recommendation (ECF 217) and several motions for judicial notice of various documents. (See ECF 222, 224, 227, 228, 232, 243.) He also filed a Motion for reconsideration reiterating points he raised in previous motions. (ECF 237.)

The Court accepted the Magistrate Judge's Interim Report and Recommendation on March 27, 2025. (ECF 248). Plaintiff again sought reconsideration on March 28, 2025. (ECF 253.) In his most recent Motion, Plaintiff argues that the Court committed clear error in accepting the Interim Report and Recommendation and failed to consider certain arguments and "newly" discovered evidence. Plaintiff later filed a supplement with additional "newly discovered" evidence. (ECF 259.)

DISCUSSION

I. Legal Standard

Motions for reconsideration are governed by Federal Rule of Civil Procedure 59(e). Reconsideration of a court's order is an "extraordinary remedy, to be used sparingly in the interests of finality and conservation of judicial resources." *Kona Enters., Inc. v. Estate of Bishop*, 229 F.3d 877, 890 (9th Cir. 2000) (citation omitted). Motions for reconsideration should not be granted

“unless the district court is presented with newly discovered evidence, committed clear error, or if there is an intervening change in the controlling law.” *389 Orange St Partners v. Arnold*, 179 F.3d 656 (9th Cir. 1999). Motions for reconsideration may not “be used to raise arguments or present evidence for the first time when they could reasonably have been raised earlier in the litigation.” *Kona Enters.*, 229 F.3d at 890.

Motions for reconsideration are also governed by Local Rule 7-18, which provides:

A motion for reconsideration of an Order on any motion or application may be made only on the grounds of (a) a material difference in fact or law from that presented to the Court that, in the exercise of reasonable diligence, could not have been known to the party moving for reconsideration at the time the Order was entered, or (b) the emergence of new material facts or a change of law occurring after the Order was entered, or (c) a manifest showing of a failure to consider material facts presented to the Court before the Order was entered. No motion for reconsideration may in any manner repeat any oral or written argument made in support of, or in opposition to, the original motion.

L.R. 7-18.

II. Plaintiff’s Motion for Reconsideration

Plaintiff fails to establish any basis for reconsideration. He does not identify any material difference in fact or law that could not have been known with reasonable diligence at the time of the Court’s decision, nor does he establish a failure to consider material facts. *See* L.R. 7-18. Moreover, all of Plaintiff’s arguments were either raised before or could have been raised in previous pleadings. With respect to the latter category of arguments, the Motion

1 does not explain why those arguments could not have been raised earlier.

2 The only new evidence that could not have been presented sooner is the
3 April 2025 memorandum issued by the State Bar of California, which
4 summarizes the oversight and administrative functions of the Board of Trustees
5 and the Committee of Bar Examiners. (ECF 259 at 16-21.) The Magistrate
6 Judge concluded that Plaintiff's claims against the State Bar failed, principally,
7 because he had not plausibly alleged that that entity or its employees acted with
8 intent to discriminate. (*See, e.g.*, ECF 213 at 14-16 (dismissing Plaintiff's equal
9 protection claim for failing to plausibly allege the State Bar acted with intent to
10 discriminate).) And nothing in the State Bar memorandum suggests a different
11 conclusion. As such, though this evidence was not previously before the Court,
12 it does not warrant revisiting the prior decision to adopt the Report and
13 Recommendation.

14
15 **CONCLUSION**

16 For the foregoing reasons, the court **DENIES** the Motion for
17 Reconsideration (ECF 253).

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19 DATED: May 27, 2025



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21 **HONORABLE JOSEPHINE L. STATON**
22 **UNITED STATES DISTRICT JUDGE**
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